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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2861 OF 2007

IN

FIRST APPEAL (ST) NO.11079 OF 2007

Mr. Dilip Khandagale ...Applicant.

Vs.

Smt. Shakuntala Bau Kuchekar & Ors. ...Respondents.

Ms. Manisha Shekhar i/by M/s. J.Shekhar & Co. for the applicant.

Mr. Dilip N. Mandavia for respondent No.1 and 2.

Ms. Pratiksha Mohite for respondent No.3

Smt. S.V.Sonawane for respondent No.4.

CORAM : ANOOP V. MOHTA,J.

DATED : 13th September, 2007.

P.C.

1. The original opponent party No.2, applicant herein, moved this application for condonation of 285 days delay in filing the present first appeal arising out of the order passed by the Labour Court, Mumbai under the provisions of Workman's Compensation Act.

2. The averments basically made that the advocate appearing for all the opponents including the present opponent, not informed the decision and thereby that resulted into create injustice and hardship to the applicant, as by the impugned order, the Court has imposed the penalty of 50% of the compensation amount. The applicant, therefore, enquired the advocate about the matter. The advocate applied for the certified copy on 22/02/2007, the same was ready on 23/03/2007, and thereafter, the present application/ appeal filed on 24/04/2007.

3. The learned counsel appearing for respondent Nos. 3 and 4 have no objection if the application for condonation of delay is allowed.

4. The advocate, appearing for respondent Nos. 1 and 2, however by affidavit dated 5th September, 2007 has opposed the said application on various grounds including the averments about non-information.

5. As noted above and considering the facts and circumstances of the case, I am inclined to grant the application for condonation of delay subject to

payment of costs of Rs.1000/-, to be paid to respondent Nos. 1 and 2 within two weeks.

6. Resultantly, the application for condonation of delay is allowed in terms of prayer clause (a).

7. The appeal be placed for admission after due registration.

8. The civil application is disposed of, accordingly.

[ANOOP V. MOHTA, J.]